



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

MAR 31 2004

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Scott Heekin-Canedy  
President and General Manager  
The New York Times  
229 West 43<sup>rd</sup> Street  
New York, New York 10036-3959

Re: Berry's Creek Study Area, Bergen County, New Jersey  
Supplemental Request for Information pursuant to 42 U.S.C.  
\$9604

Dear Mr. Heekin-Canedy:

The United States Environmental Protection Agency ("EPA") requires additional information as part of its investigation of the Berry's Creek Study Area. A "Request for Information" pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §9604, was sent to The New York Times Company ("The New York Times") in 2002 and the New York Times sent a response to EPA's "Request for Information" dated December 20, 2002.

EPA is charged with responding to the release and/or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under CERCLA, as amended, 42 U.S.C. §9601 et seq. and the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §9601 et seq.

EPA has documented the release and/or threatened release of hazardous substances into the environment at the Site. Pursuant to Section 104 of CERCLA, 42 U.S.C. §9604, and Section 3007 of RCRA, 42 U.S.C. §6927, EPA may request certain information from parties who handle or have handled hazardous substances and hazardous waste, as those terms are defined at Section 101(14) of CERCLA, 42 U.S.C. §9601(14), and Section 1004 of RCRA, 42 U.S.C. §6903 respectively. EPA is authorized to require any person, as defined in Section 101(21) of CERCLA, to furnish information or documents relating to the ability of a person to pay for or to perform a cleanup. Pursuant to these statutory provisions, EPA hereby requires that you answer the questions asked in the enclosed "Supplemental Request for Information."



Your company's written response to the attached "Supplemental Request for Information" should be postmarked or received by EPA within thirty (30) calendar days of your receipt of this letter. The response should be mailed to --

Douglas J. Tomchuk, Project Mgr.  
New Jersey Remediation Branch  
U.S. Environmental Protection Agency, Region II  
290 Broadway, 19th Floor  
New York, NY 10007-1866

In addition, please forward a copy to --

Clay Monroe, Esq.  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region II  
290 Broadway, 17th Floor  
New York, NY 10007-1866

Your failure to respond to the "Supplemental Request for Information" within the time specified above may subject The New York Times to an enforcement action under Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). An enforcement action may include an assessment of penalties of up to \$25,000 for each day of continued noncompliance. Your notarized signature must appear on the enclosed "Certification of Answers" to this "Supplemental Request for Information."

Be advised that your company is under a continuing obligation to supplement its response if information not known or not available to it as of the date of submission of its response should later become known or available. If at any time in the future your company obtains or becomes aware of additional information and/or find that any portion of the submitted information is false, misleading or misrepresents the truth, it must promptly notify EPA. If any part of your company's response is found to be untrue, it may be subject to criminal prosecution.

If desired, you may assert a business confidentiality claim covering all or part of the information requested by this letter. The claim must be supported by each of the four factors specified in Section 104(e)(7)(E) of CERCLA, 42 U.S.C. §9604(e)(7)(E), and must be asserted at the time of submission, by placing on (or attaching to) the information a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", or "proprietary", or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent and by means of procedures set forth in Title 40

C.F.R. Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to your company.

Please note that a complete, separate response must be made to each question and all requested documents must be provided. If a requested document is not available, state the reason for its unavailability.

As noted above, your response to the attached "Supplemental Request for Information" is due within thirty (30) calendar days of your receipt of this letter.

This "Supplemental Request for Information" is not subject to the approval requirements of the Paperwork Reduction Act of 1980, the relevant portion of which is found in 44 U.S.C. Section 3501.

If you have any questions concerning this "Supplemental Request for Information," please contact Mr. Tomchuk of my staff, at (212) 637-3956, or Mr. Monroe at (212) 637-3142. Please direct all communications from an attorney to Mr. Monroe. Your cooperation is appreciated.

Sincerely yours,



Ray Basso, Strategic Integration Manager  
Emergency and Remedial Response Division

Enclosures

cc: Steven R. Gray, Esq.

Supplemental Request for Information  
The New York Times  
March 2004

1. In your company's December 20, 2002 response to Question 3 of EPA's original "Request for Information," the plate-making process is described, but there is a lack of information about wastes generated as part of the process. Please provide information on the compounds present in the chemicals used in the plate-making process and the wastes that were generated by the process. Describe the disposal practices for wastes generated by the plate-making process.

2. In your company's December 20, 2002 response to Question 3 it is stated that solvents were used to clean the presses prior to the mid-1980's. What solvents were used for cleaning the presses prior to the mid-1980's? Describe the disposal practices for the waste solvents.

3. Please provide more information on the composition of the inks used at the site, and, if changes in the composition occurred, please list the years in which each formulation was used.

4 Please provide sediment data collected from storm sewers in the downgradient manhole sampling location, including a list of compounds detected and their concentrations.

5. Please provide copies of the site investigation reports submitted to NJDEP, or relevant sections that provide a summary of analytical results and the plume maps. In addition, if you have additional correspondence that would assist EPA in interpreting these reports, please provide it as well.

6. The December 20, 2002 response states on Appendix H, p. 7 that naphthalene was detected in groundwater at the site. Was naphthalene used on site? Please identify the source of the naphthalene in the groundwater.

CERTIFICATION OF ANSWERS TO SUPPLEMENTAL REQUEST FOR INFORMATION

State of \_\_\_\_\_

County of \_\_\_\_\_:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Supplemental Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my company is under a continuing obligation to supplement its response to EPA's Supplemental Request for Information if any additional information relevant to the matters addressed in EPA's Supplemental Request for Information or the company's response thereto should become known or available to the company.

\_\_\_\_\_  
NAME (print or type)

\_\_\_\_\_  
TITLE (print or type)

\_\_\_\_\_  
SIGNATURE

Sworn to before me this

\_\_\_ day of \_\_\_\_\_, 1998

\_\_\_\_\_  
Notary Public